

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, FEBRUARY 4, 2003 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

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**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

**OTHER LEGISLATIVE MEETINGS**

The ~~SAN DIEGO HOUSING AUTHORITY~~ is scheduled to meet today in the (Canceled) Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at 578-7540.

ITEM-300:               ROLL CALL.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**=== L E G I S L A T I V E   S C H E D U L E ===**

**Adoption Agenda, Discussion, Other Legislative Items**

- ITEM-330:            Law Enforcement Guidelines for Possession of Medical Cannabis.  
                         **PUBLIC SAFETY AND NEIGHBORHOOD SERVICES**  
                         **COMMITTEE'S RECOMMENDATION:** On 10/16/2002, PS&NS voted  
                         4 to 1 to support the proposed Law Enforcement Guidelines regarding  
                         Possession of Medicinal Cannabis with the following amendments:
- A.     That these guidelines be enacted as a pilot program, to be reviewed  
         by the Public Safety and Neighborhood Services Committee 24  
         months after implementation of the voluntary medical cannabis  
         identification card system.
  - B.     Public smoking shall not be permitted.
  - C.     Nothing in these guidelines shall authorize a qualified patient or  
         person with an identification card to engage in the public smoking  
         of marijuana:
    - 1)     In any place where smoking is prohibited by law;
    - 2)     In or within 1,000 feet of the grounds of a school,  
         recreation center, or youth center, unless the medical use  
         occurs within a residence;
    - 3)     On a school bus, while in a motor vehicle that is being  
         operated, or while operating a boat.
  - D.     Caregiver status shall not be conferred upon any individual on  
         parole or probation, or who has a criminal record of serious or  
         violent felonies as defined in the penal code.

**=== L E G I S L A T I V E   S C H E D U L E (Continued)===**

Adoption Agenda, Discussion, Other Legislative Items (Continued)

ITEM-330: (Continued)

- E. Caregiver status shall not be conferred upon a minor.
- F. The maximum number of patients allowed per caregiver shall be 6 (rather than the 12 recommended by the Task Force).
- G. Caregivers shall be required to receive training and instruction in the correct implementation of these guidelines from the City or its designated implementing agency.

(Councilmembers Atkins, Stevens, Frye, and Inzunza voted yea. Councilmember Maienschein voted nay.)

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**RESOLUTION:**

ITEM-330: Law Enforcement Guidelines for Possession of Medical Cannabis.

(See Resolution R-283428; Progress Report by the Medical Marijuana Task Force; Memorandum of Law from City Attorney dated 9/19/2002; City Attorney's Report dated 8/31/1999; memorandum from Chief Bejarano dated 10/3/2002; memorandum from Chair Atkins dated 10/16/2002; news articles; press release; Prevention Community Information. Memorandum from Chief Bejarano dated 1/21/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-791)

Approving the City of San Diego Law Enforcement Guidelines Regarding Possession of Medicinal Cannabis, in accordance with California Health and Safety Code Section 11362.5 (Medical Use of Marijuana), as approved by the Committee on Public Safety and Neighborhood Services;

Directing the City Attorney to prepare the necessary ordinance(s) to implement these guidelines.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

On 10/16/2002, PS&NS voted 4 to 1 to support the proposed Law Enforcement Guidelines regarding Possession of Medicinal Cannabis with the following amendments:

- A. That these guidelines be enacted as a pilot program, to be reviewed by the Public Safety and Neighborhood Services Committee 24 months after implementation of the voluntary medical cannabis identification card system.
- B. Public smoking shall not be permitted.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTION (Continued):

ITEM-330: (Continued)

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:** (Continued)

- C. Nothing in these guidelines shall authorize a qualified patient or person with an identification card to engage in the public smoking of marijuana:
  - 1) In any place where smoking is prohibited by law;
  - 2) In or within 1,000 feet of the grounds of a school, recreation center, or youth center, unless the medical use occurs within a residence;
  - 3) On a school bus, while in a motor vehicle that is being operated, or while operating a boat.
- D. Caregiver status shall not be conferred upon any individual on parole or probation, or who has a criminal record of serious or violent felonies as defined in the penal code.
- E. Caregiver status shall not be conferred upon a minor.
- F. The maximum number of patients allowed per caregiver shall be 6 (rather than the 12 recommended by the Task Force).
- G. Caregivers shall be required to receive training and instruction in the correct implementation of these guidelines from the City or its designated implementing agency.

(Councilmembers Atkins, Stevens, Frye, and Inzunza voted yea. Councilmember Maienschein voted nay.)

**CITY MANAGER SUPPORTING INFORMATION:**

California Health & Safety Code Section 11362.5 expressly permits the possession and use of cannabis "for medical purposes, where that medical need is deemed appropriate and has been recommended by a physician". However, the law does not specify the amount of marijuana that is medically necessary or legal for possession. In the absence of clarity, both patients and doctors have been reluctant to exercise their rights under the law. While county-wide law enforcement agencies have developed arrest and prosecution protocols, these internal policies are not widely disseminated.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTION (Continued):

ITEM-330: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Since these guidelines are neither codified nor binding on law enforcement personnel, they fail to serve as notice to well-intentioned citizens who wish to remain law-abiding while exercising their rights as patients.

In response to these concerns, the City Council created the Medical Marijuana Task Force on May 22, 2001 to determine the most efficient way to regulate the use of medical cannabis.

On February 12, 2002, the City Council adopted the recommendations of the Task Force to create a voluntary cannabis patient and caretaker ID card system which would create a process for certifying appropriate medical needs, issuing identification cards to qualifying patients, and providing a 24-hour certification process for law enforcement personnel to verify the validity of any individual ID card.

The possession guidelines proposed by the City's Medical Cannabis Task Force are designed to provide community standards by which to implement the Compassionate Use Act. The guidelines are proposed to work in concert with the voluntary verification card program. The card would allow the bearer to be in possession of the total amount of processed marijuana recommended by his/her physician for the length of time recommended by the physician, not to exceed a year's supply or three (3) pounds, whichever is less, without being subject to arrest for possession of marijuana within the jurisdictional limits of the City. Further provisions are made in the guidelines for appropriately designated caregivers.

On October 16, 2002 the PS&NS Committee voted 4-1 to accept the recommendations of the Medical Cannabis Task Force with amendments that prohibited public smoking and further defined eligibility and training requirements for caregiver status.

Russell

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT